

3rd April 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume III, 1937

(15th March to 3rd April, 1937)

**FIFTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY
1937**



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Legislative Assembly.

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MR. M. GHIASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Saturday, 3rd April, 1937.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

ARCHÆOLOGICAL EXCAVATIONS BY FOREIGNERS IN INDIA.

830. **Mr. C. N. Muthuranga Mudaliar:** With reference to the replies to parts (d) and (g) of unstarred question No. 62, dated the 15th September, 1936, regarding archæological excavations by foreigners in India, will Government state the result of their enquiries?

Sir Girja Shankar Bajpai: A statement containing the result of the enquiries is laid on the table.

Statement.

Permits for archæological excavations in Greece and Turkey are freely granted to foreign societies and individuals who are properly accredited, but the excavations are under strict Government control as regards the rights of land owners and tenants, disposal of antiquities excavated, and conditions of publication. It may be said in general that the excavator has no rights beyond the scientific use of his discoveries. All costs involved by the work, including the salary and maintenance of a Government inspector, have to be borne by the excavator, and all antiquities found belong to the Government. It is possible to receive a grant of duplicates, but this is a concession, not a right.

2. The same conditions hold in Italy, but are very seldom put into practice. That is to say, there is hardly any foreign excavation in that country.

3. In Egypt, Syria and Iraq, there is a similar free permission and similar strict control of foreign work, but greater liberality in the disposal of finds.

4. Excavations are permitted in Cyprus under strict Government control and subject to the terms of the license granted by Government. Such of the antiquities recovered from excavations as are required for the scientific complement of the Cyprus museum or for the purpose of illustrating the history or art of Cyprus are selected and acquired by Government without payment. The remaining antiquities are divided roughly half and half between Government and the excavator. Somewhat similar conditions are enforced in regard to excavations in Palestine.

INSURANCE COMPANIES WORKING IN INDIA.

831. ***Pandit Sri Krishna Dutta Paliwal:** Will Government please state how many insurance companies were working in India on the 31st December, 1936? How many of these are Indians and how many foreign?

The Honourable Sir Muhammad Zafrullah Khan: The number of insurance companies complying with the provisions of the Indian Life Assurance Companies Act, 1912, and the Indian Insurance Companies Act, 1928, on the 31st December, 1936, was 375 of which 226 were Indian and 149 non-Indian.

NEW INSURANCE COMPANIES ESTABLISHED IN THE PROVINCES.

832. ***Pandit Sri Krishna Dutta Paliwal:** (a) How many new companies were formed between the 1st January, 1931, to the 31st December, 1936?
(b) What was the number of companies established in each province?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the following publications of the Department of Commercial Intelligence and Statistics which are available in the Library of the House and contain such information as is available on the subject:

- (1) "Joint Stock Companies in British India and in the Indian States of Hyderabad, Mysore, Baroda, Gwalior, Indore and Travancore, 1932-33" (Nineteenth issue).
- (2) Monthly publication "Joint Stock Companies".

DEPOSIT OF SECURITIES BY NEW INSURANCE COMPANIES ESTABLISHED IN THE PROVINCES.

833. ***Pandit Sri Krishna Dutta Paliwal:** (a) How many of the companies established between the 1st January, 1931, to the 31st December, 1936, have deposited securities with the Controller of Currency for less than Rs. 50,000?

(b) How many of these have paid Rs. 50,000 and over but less than one lakh?

(c) How many of these have paid one lakh but less than two lakhs? What are their names?

(d) How many have paid full two lakhs? What are their names?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (d). On the assumption that the Honourable Member refers to Indian Life Assurance Companies, a statement is laid on the table giving the necessary information as at 31st December, 1935, which is the latest date for which the information is readily available.

Particulars regarding deposit made as at 31st December 1935 by Indian Life Assurance Companies established between 1st January 1931 and 31st December 1935.

No. of companies whose deposit is—

Less than Rs. 50,000.	Rs. 50,000 or over but less than Rs. 1,00,000	Rs. 1,00,000 or over but less than Rs. 2,00,000.	Rs. 2,00,000.
80	8	4(a)	1(b)

(a) 1. All India Railwaymen's Fund, Nagpur.

2. Dombay, Baroda and Central India Railway Co-operative Mutual Benefit Fund for Indian Staff, Bombay.

3. Neptune Assurance Co., Bombay.

4. Swadeshi Bima Co., Agra.

(b) Depositors Benefit Insurance Co., Bombay.

BOOKS AND PUBLICATIONS FORFEITED IN THE CENTRALLY ADMINISTERED AREAS.

834. ***Mr. Mohan Lal Saksena:** Will Government be pleased to lay on the table a list of books and publications forfeited by them in the centrally administered areas?

Mr. J. A. Thorne: It is not in the public interest that I should lay a list of forfeited books and publications on the table. Proscriptions dealing with publications in the centrally administered areas are notified in the *Gazette of India*.

Mr. S. Satyamurti: May I know what is the public interest? When a book is forfeited, that fact is already published. The question simply asks the Government to lay on the table a list of books and publications forfeited by them in the centrally administered areas. What is "public interest", may I know?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands public interest is a well known phrase, but whether a particular matter is or is not in the public interest, it is entirely for the Government to judge.

Mr. S. Satyamurti: I agree, but where it is an obvious case, and Government say a public notification cannot be placed on the table of the House, I submit, it is a matter for the Chair. I can understand if there is a difference of opinion, but when Government refuse to place a public document on the table, I submit it is for you, Sir, to give a ruling.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling; what is obvious or what is not obvious, it is very difficult for the Chair to decide.

Mr. Sri Prakasa: Can they be made available in a special alimrah in the Library?

Mr. President (The Honourable Sir Abdur Rahim): Mr. Mohan Lal Saksena.

Mr. B. Das: Can M. L. As. visit the Home Department and read these proscribed books?

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called the next question.

PERSONS UNDER RESTRAINT ORDERS IN THE CENTRALLY ADMINISTERED AREAS.

835. ***Mr. Mohan Lal Saksena:** Will Government lay on the table a statement giving the names of persons in the centrally administered areas who are under restraint orders, the period for which they have been under restraint, the reasons for such restraint, the nature of restraint orders, and the allowances, if any, allowed?

Mr. J. A. Thorne: At the end of February, 1937, 398 persons were in jail detention in the centrally administered areas. It is not in the public interest that I should give their names. They are all detained on account of their connection with the terrorist movement in Bengal. The period of detention varies, the maximum being less than five years.

As regards allowances, I would refer the Honourable Member to the reply given by the Honourable Sir Henry Craik to question No. 181 on the 25th January last. The monthly allowance has since been reduced by Re. 1. Study allowances and examination fees are also paid in certain cases.

Mr. Mohan Lal Saksena: Are these orders of restraint periodically revised?

Mr. J. A. Thorne: I submit, Sir, that question does not arise out of the answer given by me.

Mr. Sri Prakasa: What authority will decide when our conception of public duty and their conception of public interest conflict?

Sardar Sant Singh: May I know if these people, who are kept under restraint, know the charges for which they are kept under restraint?

Mr. J. A. Thorne: That question, again, I submit, does not arise.

Mr. President (The Honourable Sir Abdur Rahim): What was the question?

Sardar Sant Singh: The question was whether the persons restrained themselves know the charges for which they are being kept under restraint?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is in a position to state that, he can do so.

Mr. J. A. Thorne: I am afraid I am not in a position to state that.

Mr. S. Satyamurti: The question asks, you will notice, Sir, the reasons for such restraint.

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member says that he is not in a position to state that in the public interest.

Mr. S. Satyamurti: But it does arise out of this question.

Mr. J. A. Thorne: That has been answered. The answer is—in connection with the terrorist movement in Bengal; they are all Bengal terrorists.

Mr. Kuladhar Chaliha: Are their cases periodically revised?

Mr. J. A. Thorne: That question was already asked by another Honourable Member, and I said I am not prepared to answer it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not in a position to give the information.

INTRODUCTION OF NEW RATES OF PAY IN THE POSTS AND TELEGRAPHS DEPARTMENT.

836. *Dr. P. N. Banerjee: (a) Does Circular No. E.S.A.-180/85/Coll.-2, dated the 15th March, 1935, from the Department of Industries and Labour still hold good? If so, has the clerical establishment of the Circle Offices, as referred to in paragraph 2 of the said circular, been organised in two Divisions and its effect given from the date of introduction of the new rates of pay in the Posts and Telegraphs Department? If not, why not?

(b) When were the new rates of pay actually introduced in the Department? Will not the effect to the organisation of the clerical establishment, as referred to above, be given from that date in terms of the first sentence of paragraph (2) of the Circular as mentioned above?

Mr. S. N. Roy: (a) The reply to the first part of the question is in the affirmative. As regards the second part, owing to administrative and financial reasons it was subsequently not found possible generally to organise the clerical staff in the Circle Offices on the basis of two divisions simultaneously with the introduction of the new rates of pay.

(b) The new rates of pay were introduced with effect from the 1st April, 1935. The answer to the second part of the question is in the negative.

MOTION FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): There is one motion for adjournment in the name of Mr. Chettiar. That is really covered by the Chair's ruling, and so that goes out.

THE INSURANCE BILL.

APPOINTMENT OF MR. J. A. MACKEOWN TO THE SELECT COMMITTEE IN PLACE OF MR. P. J. GRIFFITHS.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That Mr. J. A. Mackeown be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the business of insurance in place of Mr. P. J. Griffiths."

All I need say in explanation of this motion is that Mr. Griffiths will cease to be a Member of the Assembly before the Select Committee meets.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That Mr. J. A. Mackeown be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the business of insurance in place of Mr. P. J. Griffiths."

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

[Sir Muhammad Zafrullah Khan.]

The Bill proposes to continue during 1937-38 the protective duty of twelve annas per maund which was imposed on the imports of broken rice into India in 1935. The duty has in a very large measure fulfilled the purpose for which it was imposed, which was to prevent the inrush of broken rice, which is a by-product of the rice industry, into India so as to compete with the Indian product, particularly with the cheap varieties of rice. There has in certain directions been an improvement in the situation, for instance, the price of Bengal and Bihar rice and of certain of the better qualities of Madras rice has risen, though the price of the cheaper qualities of Madras rice has not risen, and there have been some indications which might well have justified the Government in reducing the duty to a certain extent. On the other hand, it is expected that the current rice crop will be a bumper crop, and in view of that, it was thought expedient that no reduction in the duty should take place and that the duty should continue to be imposed for a period of another year. I am aware that certain Honourable Members have by means of questions suggested that the duty should be extended to rice and paddy, and there is an amendment down on the paper suggesting the extension of the duty to these two articles. That amendment it would not be possible for the House to consider as it proposes to impose a duty which has not been proposed by Government. Nevertheless, I might submit that no case can be made out for the imposition of a duty on rice and paddy inasmuch as the object for which the duty was imposed upon broken rice has been amply fulfilled. The figures of imports of rice during the 11 months of the current year compared with the figures for the previous year would bear that out. The imports of rice during the first 11 months of the year compared with the total for 1935-36 were 15,913 tons and 28,514 tons. The figures of broken rice are 2,758 tons for the 11 months of the current year and 61,778 tons during the last year. The figures for paddy are 67,702 tons during the 11 months of the current year and 119,781 tons during the last year. I would submit therefore that today compared with last year there is no justification for the imposition of this duty upon rice and paddy. I hope that Honourable Members will consider, first, that it is desirable that this duty should be continued, and secondly, that it is not desirable in the interests of the consumer and that it is not necessary in the interests of the producer that this duty should be extended to rice and paddy.

Mr. President (The Honourable Sir Abdur Rahim): Has sanction been given?

The Honourable Sir Muhammad Zafrullah Khan: As I have submitted already, that amendment will not be discussed as sanction has not been given and therefore it is out of order. That is why at this stage I have made this suggestion for the consideration of those Honourable Members who are interested in the question from that point of view.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

The amendment* by Mr. Santhanam is clearly out of order. It wants to extend the duty to other categories and no sanction has been obtained thereto.

*"That in clause 2 of the Bill, in the proposed Item 10 (2), for the words 'Broken rice' the words 'Broken rice, rice or paddy' be substituted."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I am sorry that my amendment has not the required sanction to make it in order. Still I am afraid I cannot accept the argument of the Honourable the Commerce Member for his refusal to accept it on his sole initiative. It is common ground between us that the present imports either of broken rice or rice or paddy are not excessive. The only ground on which he has brought forward the Bill, and it is a right ground, is that he wants to conserve at least the present position of the paddy growers. We have seen how badly the imports of Siamese paddy affected the cultivators of paddy, and the Government brought forward this small protective duty on broken rice only after a great deal of agitation and after two years after it became necessary. Now, the present position is that by the extension of this protection to paddy and rice nobody will be affected. The imports are low and are not likely to be affected. The Government finances are not affected and the consumer will not be affected, because, as my Honourable friend has said, there is a bumper crop and local competition is bound to keep the prices at a fairly reasonable level to the consumer. Therefore, there is nobody who will be affected by the extension, but it will be valuable as a preventive measure. It will prevent any sudden speculation in rice causing harm again once more to the paddy growers. The paddy growers in this country have been the hardest hit among the agriculturists. Government have not done anything whatsoever to help them. What I suggest is when there is nobody to lose by this measure, why not have it on the statute book? It may not have any effect either in decreasing or increasing the imports and it will not affect local prices, but it will be a stabilising factor in the market for paddy. The economic recovery in this respect has not been steady. This year imports have fallen; there may be a sudden fluctuation and the imports may rise. In that case this will be a preventive measure, and there cannot be any objection so far as I can see, on the part of the Government. Their revenues will not be affected by extending this protection to rice and paddy, but on the other hand it will give a sort of moral support to the paddy growers, so that, whatever the present position, economic recovery may not be hampered by any unforeseen fluctuations in the market.

Mr. President (The Honourable Sir Abdur Rahim): The Chair can allow the Honourable Member to make the suggestion, but he cannot go into that question at any length.

Mr. K. Santhanam: He used that argument. He appealed to this side . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member insists on that, it is not relevant since the amendment is out of order. But the Chair has allowed him to make his suggestion to the Government. He cannot go further into that.

Mr. K. Santhanam: I am not speaking on the amendment. I only want to speak on the general motion and I am only trying to controvert his argument. As regards this Bill, I submit that the duty is insufficient. Of course, we support the existence of this 12 annas duty on broken rice, but it is not of much help, it is of very small help, and if we support it, we have to express the views of our constituencies that it is wholly insufficient. So, while supporting this measure, I suggest to the Honourable the Commerce Member that he should not feel satisfied that he has done the right

[Mr. M. Samthanasam.]

thing for the paddy growers in this country. He must look into their condition and see what further measures are necessary to help them. He must think of helping the export of paddy and rice. Burma has been separated and as a consequence India has become self-sufficient in paddy. It does not depend much upon exports, but upon the local market. Therefore, it is in the power of the Commerce Member to regulate the internal price by freight rates. I think the railway freight should be so adjusted that the internal movement is facilitated. Now, I think the freight rates are not properly adjusted; they are very heavy, especially for paddy growers in the south. I submit that the movement of paddy and rice in South India is being greatly hampered by what I may even call the uneconomic rates levied on the movement of paddy and rice. The Honourable Member can do much by negotiating with the Ceylon Government for favourable treatment for South Indian paddy and rice. My district, for instance, had a very lucrative market in Ceylon and that market is dwindling, and I really wonder if the Government of India do not take active measures whether the market will exist at all for us in the next two or three years. It is being replaced by locally grown rice and by imports from Burma. I do not see why Burma growers of paddy should be put in a better position than paddy growers of South India, because the steamer freights from Burma to Ceylon are much lower than the railway freights, from the Tanjore district or from the other neighbouring paddy growing districts to Ceylon. This Tanjore paddy is being replaced, and that is a point to which I should like to draw the attention of the Honourable Member. Therefore, I say that this is a small, though, of course, good, necessary and essential help, but it will not help our people very much and other measures are necessary, and I hope that Government will consider the position carefully and do what they can in the matter.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): The Honourable the Commerce Member gave us some statistics about the reduction in the imports of broken rice. As far as we are concerned, we are sorry we do not find in these official reports any separate accounts as regards broken rice. What is given here is only rice in the husk and rice not in the husk, and, as far as I can see from this "Review of the Trade of India for 1935-36", page 193, Table 7, which gives the quantity and value of the principal articles of exports, arranged in the order of their importance, rice not in the husk in 1934-35 was 1,592 tons, and, in 1935-36, it was 1,894 tons. That is in value, Rs. 10,30,28,000 in 1934-35 and 10,94,74,000 in 1935-36. What I mean to convey is that the import of broken rice might have gone down, but rice not in the husk has not certainly gone down. It has to a certain extent increased. Otherwise, you cannot account for these figures.

The Honourable Sir Muhammad Zafrullah Khan: I have given the House figures for the 11 months of 1936-37 and that shows that there is a considerable decrease in imports of paddy during these 11 months as compared with last year.

Mr. T. S. Avinashilingam Chettiar: Of rice not in the husk?

The Honourable Sir Muhammad Zafrullah Khan: Both rice and paddy.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Honourable Member himself suggested that this year the crop is expected to be

a bumper crop, unless something is done about the present state of imports the proceeds of the sale of rice will be very small indeed. I do not presume to know much about other products, but we, who come from the rice growing districts of Southern India, can safely say that the rise in price has been very little indeed. The Honourable the Finance Member said the other day that there has been a rise in the price of primary products, but, as far as our parts are concerned, the rise has been very small, almost infinitesimal. It is not a new fact, but I may tell him that it is only because of the love of the land that the agriculturists are continuing their agricultural activities in our part of the country. If they had looked to the profits of agriculture, they would have left their profession long ago and would have allowed the land to lie fallow. I would press upon the Commerce Member to take measures at once and immediately, as far as it lies in his power to do something to the increase of price of rice. We offer him a suggestion that if the duty is put on both rice and paddy, it might go some way to increase the price of rice. With these words, I support the measure.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: I beg to move:

"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill be passed."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): Sir, I am sorry to observe that the Honourable the Commerce Member has committed himself to the statement that they were even considering the advisability of either completely withdrawing this protective duty or lowering it in view of the improved conditions of the rice trade in the country. We have been trying to press the Government to extend this protection to rice and paddy. The Honourable the Commerce Member, as if to add insult to injury, says that they were even considering the lowering of this very small and inadequate duty. From the very beginning, we on this side of the House have been bringing it to the notice of the Government that this duty is inadequate and does not go far enough. As my Honourable friend, Mr. Santhanam, put it, it is necessary that Government should do everything in their power to help the paddy growers. They are the largest section of peasants in this land. Rice is the only crop in our crop economy which has eight crores of acres under it, and very little has been done by this Government to help it. We are told that a sub-committee was being constituted by the Imperial Council of Agricultural Research to look after the interests of paddy growers and to try to carry on researches into the production of rice. We do not know what has happened to that Committee or what work the Committee has turned out till now, but we do not know that no attempt has so far been made to give any proper representation for the paddy growers on that particular Committee. Unless an attempt is made to tackle this problem in a more comprehensive fashion, I am afraid,

[Prof. N. G. Banga.]

the paddy growers cannot be helped adequately, as they deserve to be helped. No attempt has so far been made to raise either the general level of prices in this country or the prices of paddy in particular. While in other countries, especially in France, America and England, definite steps had been taken by the Governments there and the Central Banks to raise the level of the wholesale prices, no attempt has been made here to follow up that procedure and help our peasants. Unless an attempt is made to raise the general level of prices, and, in particular, the prices of different kinds of rice, the paddy growers of this country cannot really be said to be helped at all. It is very easy for my Honourable friend, the Commerce Member, to draw our attention to the fall in the imports of broken rice and also full rice, but he must remember that at no time did the imports form any considerable proportion of the total consumption of rice in this country. What was really most important and what is now important is the effect of any kind of import into this country of rice and broken rice and paddy. Sir, the Government spokesmen have admitted from time to time that it was these imports, however small, which really affected adversely the prices that were ruling for different kinds of rice in different parts of India, and they also had to admit that as long as the economic depression had continued, any amount of protective duty could not be considered to make for helping paddy growers. If that is so, certainly, Sir, it argues to reason that Government should take some positive steps to counter the effects of the economic depression by trying to raise the economic level of prices for paddy and improve the productive capacity of our peasants, and especially the productive capacity of our own paddy lands. If at all anything has been done, it is very little and on the whole it is largely true to say that nothing has been done effectually to help our paddy growers in this country. This Bill, as it is, gives only a part of what we want from the Government in order to protect the paddy growers. If we have the interests of the paddy growers at heart, we cannot very well oppose this Bill and dismiss it, but at the same time we must emphatically voice the dissatisfaction of paddy growers with this Bill and also with the other attempts that are supposed to be made by this Government, and we must maintain that, until and unless the Government really come forward with a most comprehensive scheme of assistance and protection to paddy growers, the paddy growers cannot be satisfied with the activities of this Government even in so far as this particular economic measure is concerned. Therefore, Sir, I warn the Government that they should try at the earliest possible moment to come forward with a more comprehensive scheme of economic betterment for the paddy growers.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

THE PAYMENT OF WAGES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour):
Sir, I move:

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, be taken into consideration."

Sir, this is the last of a long series of labour measures I have brought before this House. After some of those important measures, measures such as the Bills amending the Factories Act and the Workmen's Compensation Act and the Assam Tea Labour and Emigration Bill and indeed the Bill to which this very small Bill is an amending one, this may seem to be more or less in the nature of an anti-climax. I must confess, Sir, that I am glad that that should be so, for I should like to make my exit from this House, if one may say so, in a quiet manner. I can only hope that the House will accord me this morning the support that it has given so generously during the last five years. Honourable Members may recollect that section 9 of the Payment of Wages Act was inserted by the Select Committee which considered the Bill. Their observations on this point were as follows:

"We have added a provision for deductions on account of absence as, particularly with our revised definition of wages, the employer would otherwise have been obliged to pay wages to men who failed to appear for work. Conditions to govern such deductions are contained in the new clause 9."

But, unfortunately, Sir, neither we nor the members of the Select Committee noticed that the clause did not fully carry out that intention, for it seems to oblige the employer to pay wages to men who merely appear, whether they appear for work or not. A man who comes to the factory and declines to do any work seems to be treated in the same way as the man who appears and does the work. Now, in all the discussions regarding the Bill it was never suggested that we should secure pay to men who were not willing to work. What the Act seeks to do is to secure that the man who does the work will get the pay, and I hope that the equity of our proposal will be recognised by all parties in the House. I should perhaps add that it is not intended by this provision to withhold wages from the man whose work has been defective; we have been careful to limit the provision to a definite refusal, and such refusal would have to be proved if the deduction were disputed. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, be taken into consideration."

Mr. V. V. Giri (Ganjam *cum* Vizagapatnam: Non-Muhammadan Rural): Sir, I rise to make a few observations on the amendment proposed to the Payment of Wages Act, 1936. My serious complaint against the Government of India has been and is that they always desire to prevent strikes and industrial disputes by introducing penal measures and by not encouraging trade union methods to prevent such disputes. I consider that strikes occur in this country, whether they are lightning strikes or stay-in-strikes or Satyagraha strikes, because of acts of commission or omission on the part of the supervising of officials, whether in the workshops or in other industries, with or without notice to the employers or managers. Sir, from the little experience I have of trade unions, works organisations and strikes in this country, I say that a tactful handling of the situation, when there is an apprehension that there will be a dispute, would prevent such eruptions as lightning strikes or stay-in-strikes. Instead, therefore, of placing before this House such measures which always give an indication to the workers that they are nothing more or less than the hewers of wood and drawers of water for the capitalists and employers, they would have done well in introducing

[Mr. V. V. Giri.]

the spirit of the recommendations made by the Royal Commission years ago. For instance, Sir, if they wanted to prevent such lightning strikes or stay-in-strikes as is contemplated under this Bill, if they had only introduced the conciliation machinery or the joint standing machinery recommended by the Commissioners, these suggestions need not have been discussed at all, whether in the original Act which came before this House or the amending Bill. On the other hand, if only the Government of India had carried out another recommendation made by the Royal Commission on Labour with regard to the inauguration of industrial councils, representative of the interests of the Government, of the employers and of the workers in various countries, in all probability this issue would not have arisen before us when the Select Committee sat or when the Bill came before us last year and became an Act, or when this Bill comes before this House again this time. I, therefore, consider that the Government should consider more in the light of unending strikes by trade union methods rather than introducing penal measures of this character.

I may be allowed, Sir, to strike a personal note before I sit down. It may be that this is my last speech in this Assembly, because I return from this Assembly to the Madras Assembly. I will take this opportunity of expressing my personal regard for the Honourable Member opposite, the acting Leader of the House, because he has always tried his best to do things in the best possible manner so far as the workers are concerned, and we have always appreciated his sense of courtesy and his qualities of head and heart. (Applause.) If he has not been able to do much for the workers in this country, it is due to the fact that we have got in our country a sculless Government, a Government representing the Imperialistic and capitalistic interests of England. Therefore, being an agent of such a Government, he is justified in not being able to do much that we expected. We do hope, not by speeches in Legislative Assemblies and Councils, but by the sacrifices we have yet to offer at the altar of our motherland, that a time will soon come when we shall have a Government in this country of the people, for the people and by the people when the workers' interests will be safeguarded. With these words, I express my views on this amending Bill.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, the Bill which my Honourable friend, Sir Frank Noyce, has placed before the Assembly for consideration enables the employer to make deductions from the wages of his workmen on the ground of absence even though the workmen may be present in the factory. I have given notice of an amendment, and I shall not, therefore, speak on that amendment at this stage, but I would take this opportunity to bid my farewell to Honourable Sir Frank Noyce, who is retiring from his service and leaving our country within a few days. Sir, I had the honour and privilege of being a Member of this Assembly during all the five years' term of my Honourable friend, Sir Frank Noyce. During this period, Sir Frank Noyce has been responsible for passing several measures dealing with labour questions, measures most of which have been beneficial for the interests of the working classes in this country. It is not my good fortune to be able to say that I have always felt that Sir Frank Noyce, as representing the Government of India, had done what was necessary to

be done for the working classes of this country. But, Sir, I have absolutely no hesitation in stating this that, although Sir Frank Noyce may not have accepted whatever we had asked him to do, he had always given us very prompt and very sympathetic hearing. Whenever a point of view was placed before him on behalf of the working classes, he had shown readiness to consider that point of view, and, on behalf of the working classes of this country, if I may do so, I express my personal gratefulness and the gratefulness of the working classes of this country for the sympathy which he has shown towards them during his term of office. I am very glad to hear that the Honourable Member is going to Geneva soon after his retirement. I wish that the Honourable Member had gone to Geneva a little earlier. Even though his visit to Geneva may have come a little later, still I have no doubt that it will be of some use in bringing about proper understanding in the Government of India as regards the work of the International Labour Organisation.

Well, Sir, I may also be permitted to say one word more regarding my relations with Sir Frank Noyce in this Assembly. I am conscious that I have been a source of annoyance to Sir Frank Noyce and irritation too. It was not given to me, as I stated, to be satisfied with what he was able to do, and I had to put forward proposals which would satisfy only my conscience and nobody else's. I have tried to do that. But I assure my Honourable friend, Sir Frank Noyce, that whatever annoyance my attitude towards public questions may have caused to him, whatever I had done was not intended to cause annoyance or irritation to him. Sir, the annoyance which I have caused to Sir Frank Noyce may not have been always due to my attitude towards labour questions. Sometimes he may have been annoyed with me for my general political views too. But I can say one thing as regards Sir Frank Noyce. Mr. President, you and the other Members of this Assembly can easily appreciate the difficulties under our present political conditions for a proper understanding between the Britishers and Indians. We find it difficult, although we may know our British colleagues for several years, to talk to them frankly and express what our political views are in private conversation. That difficulty is always there, and I must say this that, in spite of that difficulty, Sir Frank Noyce is one of the few Britishers whom I had the privilege of meeting in Delhi and Simla to whom I could express my views and to whom I could frankly tell even in private conversation without any fear of loss of friendship, and I have always found, although it was not given to us to agree with each other politically, that he showed friendly understanding of our attitude. Sir, for that also I am very grateful to my Honourable friend, Sir Frank Noyce. I shall not detain the House any longer.

As regards the Bill itself, I have got an amendment which I hope Sir Frank Noyce will sympathetically consider, and, as this is the last measure he will take the credit of accepting, I hope he will accept it, so that the friendliness that exists between himself and myself and the House generally will be further developed.

The Honourable Sir Frank Noyce: Sir, I have to thank my Honourable friends, Mr. Giri and Mr. Joshi, very much indeed for the kind references they have made to the work that I have been able to do in connection with labour questions. My Honourable friend, Mr. Giri, frankly admitted that he did not really think much of it, but I think he did admit—and I am very grateful to him for doing so—that I had done

[Sir Frank Noyce.]

my best within the inevitable limitations of my position. Mr. Joshi and I are old friends and old enemies (Laughter), but I think he treated me with rather less than his usual fairness when he described himself as a source of annoyance and irritation to me. I do not think that is true. I am not conscious of any irritation. Mr. Joshi's habit of dealing with everything that comes before him with meticulous care, super-meticulous care, if I may say so, does make it necessary occasionally to exercise a certain amount of patience (Laughter), but I am not prepared to admit more than that. If I have ever shown any annoyance or irritation with him, I trust he will accept my deep apologies for doing so, because, as I had an opportunity of saying in this House the other day, I have very great respect for the way in which he has fought the cause of labour all the years I have known him, and I can assure him that I and my colleague, Mr. Clow, like himself a Member of the Labour Commission, have been materially assisted by his, shall I say, critical attitude. My Honourable friends, Mr. Giri and Mr. Joshi, have not said much about the principles of the Bill, and I take it that I can, therefore, safely assume that those commend themselves to this House. I shall deal with the amendments moved in due course.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

Sir, as I stated when I spoke on the Bill only a few minutes ago, this Bill is intended to enable an employer to make deductions from the wages of his workmen although the workmen are present in the factory, but when the workmen have for some reason or other refused to do the work. Sir, my amendment is intended to provide a safeguard on behalf of the workmen. I am not suggesting that although the workmen are present in the factory and they refuse to work without any reason they should be paid by the employer. But what I am suggesting is this. If a workman goes to a factory and finds that there is sufficient cause for him to refuse to do work, the employer should be bound to pay him because if the employer provides sufficient cause for his refusal, the employer is responsible for payment. If there is no justification for the refusal, I am not suggesting that the employer should be compelled to pay, but if there is sufficient justification for the refusal, then the employer should be bound to pay. If we do not provide for that, the employer will refuse to pay a man although the man has got sufficient ground to refuse to work.

The Honourable Sir Frank Noyce: Surely the amendment is "without any cause".

Mr. N. M. Joshi: Yes, my amendment is "without any cause".

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): And without any reason.

Mr. N. M. Joshi: Let me, Sir, make a frank admission. I have got very many varied activities, but I have not yet tried my hand at draftsmanship. It is not my strong point, I admit. If my amendment is wrong in draftsmanship, I am prepared to have it amended. But what I want is that the House should accept my proposal and let the amendment be modified suitably to my proposal. My proposal is that if a workman has got sufficient justification to refuse to do work, then certainly when he goes to a factory the employer should be bound to pay. Sir, what may happen is this. A workman goes to a factory and he finds that the employer has suddenly made a change in the conditions of work. The employer may ask him to work longer than the workman is bound to work and in such a case the workman is bound to say, he will certainly not work longer hours. Similarly, a workman may be accustomed to handle a particular kind of material. The employer does not give him that particular material but asks him to work on a different kind of material to which the employee is not accustomed. Under these circumstances, although the employee may refuse to work, the employer should be bound to pay. It is an ordinary law of contract that if there is a change in the conditions of work without notice, the employer must pay his employee. I have therefore proposed that we should make an addition to this clause stating that in case the employee refuses to work and has sufficient justification, his presence should not be treated as absence. Sir, my proposal is a very slight modification of the proposal made by the Government of India. As regards drafting, if you will permit me to make a slight drafting modification, I shall do so. Instead of "without any cause", I shall say "without sufficient cause".

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment to that effect.

Mr. N. M. Joshi: If there is another amendment, then I shall not move mine. Or if you permit me, I shall modify my amendment.

Mr. President (The Honourable Sir Abdur Rahim): There is an amendment to that effect and so the Honourable Member cannot modify his amendment in the same terms.

Mr. N. M. Joshi: In that case, I move my amendment for the present.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): Sir, there is one other amendment I have given notice of, and that is:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without sufficient cause' be added at the end."

With your permission, I should like to amend this by substituting the word "reasonable" for the word "sufficient". In the Act itself, this very phrase "without reasonable cause" is already there in the proviso on page 6 of the Act.

Mr. President (The Honourable Sir Abdur Rahim): Is it merely verbal?

Prof. N. G. Ranga: Yes, Sir, it is only a verbal alteration. The word "reasonable" should be substituted for "sufficient". As is well-known to the House, I was very much opposed in the very beginning to the inclusion of section 2 and the proviso to section 9 when it came to be introduced in this House. Sir, in spite of our very strong protest and continued agitation on the part of the working classes against this, the Government of India did not see it fit to accept this proviso or rather the amendment, almost at the point of the capitalist sword held at that time, luckily for himself, by my Honourable friend, Sir H. P. Mody, who I see is now running away at the very mention of it. (Laughter.) Sir, I wish I could also associate myself with my friends, Messrs. Giri and Joshi, in congratulating my Honourable friend, the Member for Industries and Labour, on the termination of his Membership of the Executive Council of His Excellency the Viceroy. But, Sir, it is not possible for me to congratulate any of the Members of the Treasury Benches, because, to be an occupant of the Treasury Benches is itself a sin in this country, situated as it is.

Mr. M. S. Aney (Berar Representative): You are free from that sin!

Prof. N. G. Ranga: Yes, thank God, and thank the Governors. Merely to plead that, situated as he was in this country and in the
12 Noon. vortex of Imperialist politics, he could not do very much more than he was able to do is only an apology and not much more; and I for one claiming also to speak for the working classes cannot bring myself to either congratulate him or to condole with him upon his failure. Sir, I have known very little of the Honourable Sir Frank Noyce, because we have found it necessary to try to know as little of these people as possible in their personal capacity. But the little that I have known of him in this House through his work has convinced me that however good he may be by himself, he cannot really appear to be anything but the failure of a good man in this country and in this Government, because he has got to be an agent of British Imperialism, as was so happily put by my Honourable friend, Mr. Giri. Sir, this particular Explanation and this Bill is an instance to prove my inability to congratulate him. Where is the necessity for bringing forward this Explanation? Who has drawn the attention of Government to this particular omission in the original Act as it came to be passed? Did it dawn upon them because of their own inspiration and because of their overflowing love for the workers, or has it been placed before them pertinently by the capitalists in this country? I do not know where lies the truth; I do not know whether we can really get the full truth in answer to my query. But I do have a suspicion that capitalists of this country have had their hand in drawing the attention of Government to this particular omission, and the attempt to make good this omission cannot be said to be in the interest of the workers.

Sir, the original section 9 is bad enough. All over the country there were protests by the working classes in a unanimous fashion. There was not one trade union, either yellow or red or Government or even white, not one trade union which was found to support section 9 of this Act. And yet Government got it passed, merely because they had extraordinary powers in their hands, thanks to the Government of India Act. Not being satisfied with that, they want to go forward with this and prevent any

chance of any group of workers trying to eke out their living while they are at work, but cannot put their heart into it or their soul into it, merely because thousands of their own comrades happen to be on strike, and, therefore, they cannot feel very enthusiastic about their work. It is very easy for my Honourable friend, the Baronet from Bombay, or the Knight from Bombay, to jump up and say: "Certainly you cannot encourage stay-in strikes!" Even supposing that we do not wish to encourage these strikes, how will it affect those workers who are obliged to be there and play the part of blacklegs while their comrades are on strike? Merely because they are obliged to earn their wages and maintain their families, they certainly cannot be expected to be very enthusiastic about their work. It is all that the employers have to thank themselves for, to be able to have some workers at least in their factories willing to carry on their work. But what is meant by that willingness to carry on their work? What is meant by this particular phrase "to carry out his work"? In ordinary circumstances it is possible to have a particular standard for expecting the workers to carry out their work: but under such extraordinary circumstances as have come to prevail, whenever there is a strike, certainly this particular phrase "carry out his work" has got to be interpreted in a different fashion, with more latitude and more liberally. Are we quite sure that the employers will be prepared to interpret it just as liberally as they ought to? Where is the guarantee? Employers have not shown themselves to be liberally minded nor have they shown themselves to be sensible. We had the extraordinary example of the Agent of the Bengal Nagpur Railway only the other day when in spite of the efforts of the Honourable Member-in-charge of Industries and Labour he was trying his best to victimise the labourers and force them almost to continue to remain on their strike; and even after they had chosen to return to work, to cause every kind of annoyance in order to force them to go again on strike. Faced as we are with such employers where is the guarantee that these employers will not make an arbitrary use of their judgment in deciding whether the worker is really refusing to carry out his work or not? To leave such wide and unrestricted powers in the hands of employers is really dangerous to the interests of labour itself.

Then, Sir, I do not want this *Explanation* at all. I am quite prepared to consider the possibility that some workers will find themselves incapable of staying away from work, and, therefore, will be obliged to go to work and try to carry on as much as they can possibly do. But it is possible for the employer to go and try to drive away even those workers without at the same time putting in a placard that he has declared a lock-out, by simply saying that they were not doing their work and carrying out the work that was allotted to them, and thus oblige them to leave the factory and force them also to go and join the ranks of the strikers and get for himself the advantages of a lock-out without having to face the disadvantages of it. Sir, there are certain occasions . . .

Mr. Hussenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Are they deserters,—these people who are against the strike to work?

Prof. N. G. Hanga: My Honourable friend wishes to call some of these unfortunate people deserters. Yes, certainly they are deserters. But deserters there are bound to be: we have deserters here and in different

[Prof. N. G. Ranga.]

parts of the country. But they are deserters, because they are obliged to maintain their own families, although at heart they would like to join the ranks of the strikers and strengthen the strike. What is to happen to them? They are even likely to be victimised by the biggest exploiters in the country. They not only want to exploit and persecute the strikers, but also those who are obliged to work even at a risk. I do not want this arbitrary power to be left in the hands of these people at all; and for that reason I would very much wish that this *Explanation* is not accepted. But if it is likely to be accepted, then I would recommend that my amendment should be accepted because it at least tries to condition the arbitrary power of the employers to refuse to pay for these people who according to them may be considered to be refusing to carry out their work. I do not know why this very same phrase that I wish to add now at the end of this particular *Explanation* "without reasonable cause" which found a place in the original proviso has come to be omitted in this *Explanation*. I do not know who was responsible for this—whether it is an oversight or a deliberate mistake that has been committed by the Government. In the original proviso it read like this:

"Provided that subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice, that is to say, without giving the notice which is required under the terms of their contracts of employment and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as.....in lieu of notice."

This phrase which found a place in the original proviso ought to find its place again in this *Explanation*. By adding this, I am only trying to help the Government, rather than help my own working classes. This *Explanation* is wholly against the working classes, but I expect the Government to accept my little amendment only, because it tries to lessen the blow that is sought to be hurled at the working classes of this country. It is not very long ago that we have passed this Act: it is only one year. Why have Government thought it advisable to come forward with an amendment like this, fraught with such important consequences, so soon after the passing of this Act? Is it to benefit the working classes? No. Have they come forward with any amendment at all for the benefit of the workers? No. Have they tried to have some other section in the very same Bill which can be said to compensate the workers for this blow dealt at them? Not at all. This is clear proof that the Government and its agent for the time being, Sir Frank Noyce, are anxious to conciliate the employers as far as it is possible to meet them more than half-way, to help them in every possible manner and tighten the grip of the employers as well as of the Government over the working classes. My Honourable friend the capitalists are all the time anxious to get help from every possible quarter and they have reached the Government and my Honourable friend, Sir Frank Noyce. I can very well understand that Sir Frank Noyce is anxious to make this parting gift to these capitalists. It was only last year and also in the Simla Session that my Honourable friend, Sir H. P. Mody, was complaining of the extraordinary anxiety of Sir Frank Noyce to get as many laws as possible for labour and to get as many of these international labour conventions as possible accepted by this House: and he went out of his way in that Session to assure Sir H. P. Mody

that Government were thinking very seriously whether they should not revise their usual readiness, or past readiness, to accept the conventions or recommendations that were coming from Geneva. And now he has done one better. As he is going away to England and bidding his last farewell to India so far as the Indian Civil Service is concerned, he wants to make this gift to these capitalists. Why, I would like to know. My Honourable friend, Mr. Joshi, was anxious to congratulate Sir Frank Noyce: I do not grudge his doing so, but I certainly do not see any point in congratulating a Member of this Government for bringing forward this Bill which is nothing short of a terrible blow to the working classes as a whole. I cannot understand how even a person like Sir Frank Noyce could have brought himself to put his signature to this Bill and introduce it in this House, and then say "I have tried my best to be a friend of labour but I feel it is not my fault: it is the fault of the circumstances in which I find myself unfortunately—unfortunately for myself and for the working classes of the country". No, Sir. I expect some retribution from Sir Frank Noyce even for this, and I hope that when he goes to Geneva he will try to make that retribution by trying to persuade Geneva to pay more attention to the interests of Indian labour and not to accept his own advice and the warning that was given in the last Simla Session that Geneva was going too far and too fast and was too liberal towards labour and so on: I hope he will try to make Geneva consider the needs of the working classes, including the agricultural labourers in this country. Sir, I move my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words "without reasonable cause" be added at the end."

Sir H. P. Mody: Mr. President, after making a death-bed repentance, my Honourable friend, Mr. Joshi, characteristically put in an amendment. I must say that he has been true to type. He has disagreed with every single thing that my Honourable friend, Sir Frank Noyce, has done in the course of his career as a Member for Industries and Labour, and yet he says he has not had the slightest intention of annoying Sir Frank Noyce and that he fully appreciated all the great work that he had done. Well, Mr. Joshi has a very curious way of showing his appreciation. What is the Bill before the House. The Bill merely seeks to rectify a defect, a defect which I would almost say is one of drafting. Under section 7 of the Payment of Wages Act, an employer is entitled to make certain deductions for absence from duty of his employees. Now, absence from duty has been defined as being absent from the place or places where the employee is expected to work. Obviously therefore, when it is becoming a fashion to indulge in stay-in strikes, the situation is altered; and if the Act was left as it is, then the employer would not be enabled to make any deductions so long as the employee was on the premises, but was refusing to work. That has been sought to be set right by this very simple and innocent little measure. All that the Bill says is that if an employee is on the premises but refuses to work, it should be regarded as absence from duty. I should have thought that that was a very straightforward way of dealing with the issue. What do my friends want? They think that

[Sir H. P. Mody.]

some trade union principles are infringed by this Bill. What trade union principles? Is it in consonance with trade union principles to go on sudden strikes? Is it in consonance with those principles not to formulate grievances but to plunge the industry into disorder without the slightest notice? What trade union principles are these that my friends are standing for, I ask? And then, supposing you have a grievance,—is it reasonable to go to a factory, and squat there, refuse to work, and continue to stay there? I should have thought that it would be more reasonable, if you had enforced leisure to go and spend your time at your own home with your wife and children? Why stop in a factory, in a foul atmosphere, and surrounded by machinery, when you can go home and spend your time with your family? It is against trade union principles to say that you can go to a factory, refuse to work and still be entitled to wages, and it is against common sense and reason to say that when you have a grievance, you should go and squat in a factory and refuse to move. I do not see either reason or principle in the opposition of my friends, and I for one will certainly oppose the amendments both of my friends, Mr. Joshi and Prof. Ranga.

Sir, this is the last Bill for which my Honourable friend, Sir Frank Noyce, will be responsible, and I, with greater whole-heartedness and earnestness than my friends, Mr. Joshi, Prof. Ranga and Mr. Giri, can claim, say that the work which he has achieved in these last few years has been enduring and is one of which he may well feel proud. (Applause.) I think the greatest compliment to his work is that he has earned the goodwill of even those sections of the community whom his legislative measures have affected, I mean the employer classes, and I am sure it will be a source of great satisfaction to him that he carries with him in his retirement the good wishes of every single section of the community. I think an even greater compliment is this that my friends on my right, who are inclined to be somewhat outspoken in their comments and whose vocabulary is generally richer than mine, have never had in all these years a harsh word to say about Sir Frank Noyce, and I do not think that my friend can expect a greater compliment than that. Sir, I support the Bill as it stands and oppose the amendments.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the amendment moved by my friend, Mr. Joshi, and also the amendment moved by Prof. Ranga. Let me say at the very outset that I am not at all surprised at the views expressed by the capitalist from Bombay. His argument was that this amending Bill has been brought with a view to remedy a drafting defect. Sir, this measure was first introduced as a Bill in March 1935. Then there was a Select Committee appointed on it. The Report of the Select Committee was presented to the House in September 1935, and in 1936 this Bill was under discussion for many long days, and I am surprised to hear my friend, Sir Homi Mody, say that this was merely a drafting defect and that it escaped his argus eyed watchfulness when the original Bill was under discussion in Delhi last time. The cat is fairly out of the bag when he refers to strikes. During the last eight or nine months, those who are in touch with events in the industrial world, know full well that many strikes have taken place, and it is merely to prevent a repetition of such stay-in strikes that this Bill has been introduced and not merely to cure a

drafting defect,—you are by this measure really adding a substantial portion to the already existing Bill which became an Act in 1936 and which was brought into operation only a week ago. If it had been found, after giving a fair trial to the Act, that there were certain defects which could not be cured, one could have understood the anxiety of the Government to bring in an Amending Bill. Just at the time when the original Bill was being discussed in the House although the proviso to section 9 was rejected in the Select Committee, it was again introduced in the Delhi Session, obviously at the inspiration of capitalists from Bombay and I am fully justified in saying that there is a suspicion well grounded that this Amending Bill is also inspired by the capitalists from Bombay and from other places. Now, if it is really a defect, and if the Government are honestly thinking of removing that defect, I only say that the method adopted by them should be just, fair and equitable to all parties concerned. What is the present position of the law, Sir? If an employee, when he is outside the place or places of work, remains absent, deductions can be made from his wages, but he has a safeguard as contemplated in the proviso to section 9, and that sub-section says that if he has reasonable cause for absence, then those deductions cannot be made. Therefore, in fairness and in equity, if you have that safeguard for a worker who is outside the place of work and has a reasonable cause for absence, similarly why not provide that safeguard if the worker is inside the place or places of work and has reasonable cause to refuse to work. That is exactly the purpose of my friend Professor Ranga's amendment, and this phraseology is not a new thing at all. It already finds a place in the proviso to section 9 which clearly lays down that if ten or more employees or persons absent themselves without due notice and reasonable cause, etc. Therefore, fairness and fairplay demand that if a worker can remain absent with reasonable cause outside the place of work, he must be given the same right, and this is really a test by which the Government will be judged. If the Government accepts the amendment of Prof. Ranga, then I can say that they are really anxious to remedy a defect in the law without in any way violating the existing rights which have been created by the last piece of legislation. Therefore, I support the amendment of Prof. Ranga. Sir, we do not want to encourage stay-in strikes without any justification. But strike is a recognised method, it is almost legally sanctioned, and if stay-in strikes for sufficient cause or reasonable cause is a just proposition, it is just in all circumstances. I support the amendment of Prof. Ranga.

Sir Gowanji Jehangir (Bombay City: Non-Muhammadan Urban): This is a Bill, Sir, which, it appears to me, if not passed by this House, would do considerable injustice to employers of labour, and it would be doing something which is exceptional to this country. We know that stay-in strikes do occur in different parts of the world, and that some trade union leaders believe it is a legitimate weapon to use against employers. I am not contesting that point of view at all,—we may disagree,—but it is a point of view that has been expressed and will naturally be expressed in this country, just as my friend, Mr. Giri, just said that Government did not encourage trade union methods. What he meant, I presume, was they did not make it easy for men to strike, and through that instrument force employers of labour to give in to what they consider their just dues. But may I ask my Honourable friends, Messrs. Giri and Joshi, whether in any part of the world the employees can go in for a stay-in strike and also claim wages?

Mr. N. M. Joshi: Who is asking? I am not asking.

Sir Cowasji Jehangir: But you protest against this Bill which makes it impossible for the workmen to get his wages if he goes in for a stay-in strike. You demand that he should be allowed to go in for a stay-in strike and the employer should be made to pay his wages. What does the Bill do? The Bill prevents an employee from going in for a stay-in strike and also legally demanding his wages. That is the Bill; it does not go any further. If my Honourable friends, Messrs. Joshi and Giri, will admit that it is wrong in principle to have legislation which will enable a workman to go in for a stay-in strike and at the same time legally claim his wages, I have gained one point. As a matter of fact, as things stand today, there is such legislation on the Statute-book. The workman can go in for a stay-in strike and can legally claim his wages. Therefore, some amendment is necessary, and this Bill is brought in for that purpose. Then, my Honourable friend, Mr. Joshi, having admitted, let me say, for the sake of argument, the justice of what I have said, wants to add a few words more, such as, "without any cause" or "without reasonable cause". Mr. Joshi in explaining that amendment gave an instance of proper material not being given to the workman with which to work. I will give an illustration of what my Honourable friend means from an industry with which I am acquainted. Suppose cotton in a textile mill is of a quality which will not work, in which there is any amount of breakage. This has been known to be a cause of strike in the past. Strikes have occurred because cotton supplied to the workman has not been of sufficiently good quality. What will happen if Mr. Joshi's amendment is carried? Suppose it is a fact that the cotton is not of good quality. The workman will find a sufficient cause for striking. It has been a cause in the past and it will be a cause in the future; it will be a sufficient cause for striking. Then he will squat down and refuse to leave the mill, and having had a sufficient cause, a reasonable cause for striking, he will not go out of the mill as he has done up till now and strike outside and run the chance of losing his wages. But he will squat in the mill, sit down there and at the same time claim his wages because he has been given a sufficient cause to strike. It may be argued that that cause can only last the whole day; it cannot continue for the next day. I maintain with this amendment as suggested, if there is a really sufficiently good cause, such as poor cotton, it will enable the workers to stay in the mills and adopt that method of strike and continue to claim their wages. That is my objection to the amendment.

Mr. N. M. Joshi: May I ask the Honourable Member to remember this, that the employer has the wages in his hands? If the employer thinks that the cause is not sufficient, he can force the employee to go to Court. The Court will decide whether the cause was sufficient or not, and if the Court is satisfied that the cause was sufficient, then only will the employer pay his wages and not otherwise.

Sir Cowasji Jehangir: But I may remind my Honourable friend that I took some pains to explain that we do not wish the employees to have the privilege of striking and drawing wages at the same time, of stay-in-striking and drawing wages at the same time. Now, suppose there is a legitimate cause for complaint. It is not an unknown thing, suppose the cotton supplied is not of good quality and a strike takes place and the workmen then take advantage of that by staying in for a week and claiming wages at the same time. Sufficient cause remains; it can be definitely

proved that there was cause for a strike, that the workman did not have that quality of cotton which would have enabled him to turn out a day's proper work. Then, under the amendment he can continue to have a stay-in strike and can continue to draw his wages. The employer may not be able to get new cotton at once, it may take him a few days, and during that time the workmen will stay in the mills and draw their wages. How does the workman strike today? If the cotton is not good enough and he cannot work with it, he complains and very often that complaint is neglected. The employer says, "Go on working with this cotton", till the workman gets so irritated that he strikes. He goes out of the mills and strikes and says "Unless you give me a better quality of cotton I am not going to work", and this process goes on. But the workmen have no right to claim wages during the days they have struck. If this amendment is carried, you will give them a right of having a stay-in strike and claiming their wages also at the same time. Naturally, if the cause for which they strike is not a good one, if it can be proved that bad cotton is a mere excuse, then I admit perhaps the Court may decide that there was no sufficient reason and the workmen should not get their wages. But I am conceding to Mr. Joshi that the cause of the strike is a good one. In that case I contend that if the cause is a good one you will enable them to have a stay-in strike and draw their wages, while today under the ordinary law of every other country they would have to go outside the mills, or if they had a stay-in strike for any cause they could not draw their wages. That is my point. I trust I have made myself clear. That is the only point. If there is some limit to the period, I would be prepared to accept it, but I am not prepared to accept a stay-in strike for a good cause for more than a day. If he goes out and strikes he does not get his wages. If he stays in and strikes he gets his wages. Why that distinction? (*An Honourable Member*: "He works.") He does not work. If he works he gets wages. Why a distinction between the two I ask. If he has a good cause to strike and goes out, under the law as it stands, he gets no wages. If he has a good cause and he strikes and stays in, you compel the employer to give his wages under the present Act, and under the amendments moved today. Where is it so in any other part of the world may I ask? Why should you have an amendment which will enable the employee to demand his wages, even if he has had a good cause for strike, because he chooses to stay in and strike? I think I have made my point clear. I have not the slightest objection to safeguarding the interests of the employee. By all means do so, but do not make a difference between a stay-in strike and an outside strike with regard to wages, which you will do with the amendment suggested by my Honourable friend, Mr. Joshi or my Honourable friend, Prof. Ranga. That is what I wish to bring to the notice of the House, and I submit that it will be safer if no amendment is accepted at all. Then the law will be the same as regards stay-in strikes and outside strikes. As soon as he strikes, there is nothing to prevent him sitting down on the floor of a factory and saying 'I will not work and I will not go out'. No human agency can prevent it. Honourable Members know how difficult it has been found in other parts of the world to cope with these stay-in strikes. This Bill does not prevent an employee from going in for a stay-in strike. It only prevents him from claiming wages. Nothing can stop a man sitting down and refusing to go but you can prevent him claiming legal wages while he is going in for such a strike. I think I have made my point perfectly clear, as far as I possibly could. I do not want to repeat myself over and over again. I have already repeated myself

[Sir Cowasji Jehangir.]

half a dozen times but I do want to drive this point home that by this amendment you are making a distinction between stay-in strikes and outside strikes by giving a loophole to the employee to claim wages for a stay-in strike, while he would have no claim for an outside strike. I oppose the amendments.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I had no desire to intervene in this debate, because I thought that reading the *Explanation* with the amendment which was suggested, the amendment would have been acceptable to any person not reading more into the language of this section than it can possibly convey either to a layman or even to a sun-dried lawyer. The words of the *Explanation* are "For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses to carry out his work". The words sought to be added are "without reasonable cause". What is said is that though the employee is physically present on the premises and unable to work for a good reason, he should still be deemed to be absent.

Sir Cowasji Jehangir: For how long?

Mr. Bhulabhai J. Desai: As long as the sufficient cause continues. I will deal with what my friend, Sir Cowasji, says, because I had no desire that there should be on the Statute-book a measure which does not mean what we all intend to convey. I submit with great respect that Prof. Ranga, Sir Hormusji Mody and Sir Cowasji have approached the language of this section under, if I may respectfully tell them, a misapprehension. This section neither takes away a stay-in strike, nor prohibits a stay-in strike. Both of them are, therefore, afraid of a ghost which does not exist.

Sir Cowasji Jehangir: May I interrupt? I admit that this clause cannot prevent a stay-in strike. All it does is to take away from the employee the legal right of being able to claim wages while going in for a stay-in strike.

Mr. Bhulabhai J. Desai: It does neither. It does not prohibit a stay-in strike; nor does it allow a stay-in strike and the claiming of wages under it. The section without the words "without reasonable cause" would not admit of either construction. As I said, both sides have approached this from an entirely erroneous point of view. It may be that there was something at the back of the mind of the draftsman arising out of the condition which has arisen in France, particularly with reference to stay-in strikes, but if that is what they intended, there is and may be another way of expressing it, and I quite agree that if after the words "without reasonable cause" words were added to this effect:

"Provided that continuing to remain on the premises for the purpose of a stay-in strike shall not be deemed to be a sufficient cause."

that ought to satisfy everybody, because what we do wish to convey is this, that without the cause being the stay-in strike or the object being a stay-in strike, a man may still be on the premises and unable to work for a sufficient cause, and you cannot make him absent while being willing to work and unable to work, but he has still to remain on the premises.

Sir Cowasji Jehangir: Will you repeat your words again?

Mr. Bhulabhai J. Desai: I am simply throwing it out as a suggestion. I am not moving it as amendment. With great respect, I feel that even without the words I have suggested, unless you approach it with something which does not exist, it is not there at all in the section. Prof. Ranga need not be afraid that it is going to take away the right of the stay-in strike. Nor need the employers be afraid that a labourer would remain on the premises for the purpose of a stay-in strike and claim wages, if the words "without sufficient cause" are added. Both are utter misapprehensions. Now, let us take the illustration which Sir Cowasji himself gave. Suppose the employer failed to provide him with good enough cotton. That is the illustration which he gave. He allows, I don't know why, but he allows that that is a good ground for strike.

Sir Cowasji Jehangir: That has taken place in the past.

Mr. Bhulabhai J. Desai: I am familiar with the conditions in Bombay, if not elsewhere. It is not what the Honourable Member imagines to be a strike, except attendant upon that particular clause. It is not the type of stay-in strikes of which he seems to be under some dread. If a man strikes on the ground that he is not provided with the wherewithal to work, you may apply the word "strike", but it is not a strike in the same sense for the purpose of the redress of a general grievance. He wishes not to do work as a protest. It is quite a different thing. The word "strike" that he imagines arises out of the failure of the employer to supply the wherewithal is, according to him, and, according to everybody, a proper strike, if you must use the word, that is to say, a proper cessation from work, but that cessation from work would cease to be without sufficient cause if, utilising that opportunity on the next day, he refuses to work just for the purpose of strike. Therefore, with great respect, I would say that the House would be doing injury to a labourer by giving a definition of absence which certainly covers a wider ground than any sensible man, any honest employer would intend, because no honest employer would desire that merely because a man has gone to the premises and was unable to work by reason of something in himself or by reason of an inability created by the employer, in both those cases he should still be deemed to be absent. That is a grave injustice which this House ought not to encourage.

The Honourable Sir Frank Noyce: I have again to thank some Honourable Members of this House for their kind references to myself and again to express regret that one Honourable Member who made such a reference took back the greater part of it in the latter part of his speech. I am referring to my Honourable friend, Prof. Ranga, who expressed surprise that even I should bring forward a Bill of this character and suggested that it represents my parting gift to employers. I had hoped that by this time Prof. Ranga knew me better than that. Mr. Gadgil also appeared to think that we had been guilty of something in the nature of a subterfuge. He thought that we were asking the House to rectify what we say is merely a defect in drafting. If I understood him correctly, he suggested that, although we were avowing that we were merely rectifying a drafting defect, we were introducing a substantial question of principle. Sir, we are more honest than that. We do not claim that we are merely rectifying a drafting defect; we are rectifying an important lacuna in the Act. It would have been easy and indeed gratifying if I could have accepted either Mr. Joshi's amendment or Prof. Ranga's amendment and, by so doing, have left this House in a minor halo as far as they were

[Sir Frank Noyce.]

concerned. I regret I am unable to do that. I do not think it is necessary to deal at any great length with Mr. Joshi's amendment, as he himself admitted that the drafting of it left something to be desired. If his amendment were accepted, an employed person would be deemed to be absent from the place where he was required to work if, although present in such a place, he refused to carry out his work without any cause. Everything has a cause: you cannot do anything without a cause,—the cause might be merely bad temper or because the employed person's breakfast had disagreed with him or something of that kind. It is therefore, I trust, obvious to the House that this amendment would lead us nowhere. Mr. Joshi argued that the workman might be asked to carry out a different kind of work,—longer, or harder, than he had agreed to do. I do not think there is much in that argument. I would refer him to the actual wording of the *Explanation*: "refuses to carry out his work". I submit to the House that "his work" can only mean the work he has contracted to do: and if a workman is asked to do work outside his contract, he cannot have a deduction made for refusal to do it. I come now to Prof. Ranga's amendment, which I agree is much more reasonable; but there again I regret I am unable to accept it. What would be the effect of that amendment? I think that has already been pointed out by my Honourable friend, Sir Cowasji Jehangir. Supposing that there is a stay-in strike, and the workers have reason for striking, are they to be paid because it was a stay-in strike? In other words, are they to be put in a better position if they stayed in than if they stayed out? I submit that that would be most undesirable.

Mr. N. M. Joshi: May I ask whether the Honourable Member really intends that if an employer changes the conditions of service without notice, he has a right to deduct wages? That is what it comes to?

The Honourable Sir Frank Noyce: My Honourable friend asks me to go back to the main principles of the original Bill and I am not prepared to do that.

Mr. N. M. Joshi: But you ought to.

The Honourable Sir Frank Noyce: The effect of this amendment would be to put stay-in strikers in a better position than stay-out strikers, and they would naturally choose a stay-in strike in preference to a stay-out strike. I submit that that would have most undesirable consequences. It is perfectly obvious to the House that a stay-in strike may result in sabotage and is quite likely to result in damage to the means of production on which workers rely for their livelihood. It is just because a stay-in strike has assumed such importance during the last few months in other parts of the world and we have seen its undesirable consequences there that we wish to prevent similar consequences happening here. There is another important point which I think should not be overlooked, and that is that the result of the acceptance of this amendment would be that the employer would be compelled to dismiss the workmen, as he is entitled to do, and I submit this would result in bitterness and would probably prolong the strike. My contention, therefore, is that this amendment, although at first sight it may appear entirely in the interests of the employers, is also in the interest of labour itself and it is for that reason that I oppose both the amendment of Mr. Joshi and that of Prof. Ranga.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end"

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

The Assembly divided:

AYES—42.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amerendra Nath.
Das, Mr. Basanta Kumar.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Lahiri Chaudhury, Mr. D. K.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Pant, Pandit Govind Bahadur.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

NOES—52.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Aikman, Mr. A.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhagchand Soni, Rai Bahadur Seth.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chauda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Essak Snit, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
Ismail Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.
Javahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Lalit Chand, Thakur.
Laljee, Mr. Husenbhai Abdullahi.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.

Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalf, Sir Aubrey.
Mody, Sir H. P.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rajah, Raja Sir Vasudeva.
Rau, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafullah Khan, the Honourable Sir Muhammad.
Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is.

"That clause 2 stand part of the Bill."

Mr. N. M. Joshi: Sir, I want to speak on this clause.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): Sir, I rise on a point of order

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. N. M. Joshi) has already spoken on the amendment.

Mr. N. M. Joshi: But my right to speak on the clause as a whole still remains.

Mr. President: The Chair thinks the Honourable Member did oppose the clause as it stood while speaking on his amendment, and, if so, the Chair cannot allow him to speak for the second time.

Mr. N. M. Joshi: I first exercised my right to move an amendment. If my amendment had been carried, there was no reason why I should oppose the whole clause. But as my amendment is defeated, I have now the right to oppose the whole clause, and I must explain why I am opposing it.

Mr. President (The Honourable Sir Abdur Rahim): Very well, the Honourable Member cannot go over the same ground.

Mr. N. M. Joshi: I shall not go over the same ground. Sir, my reason for opposing this clause is this. In the first place, I feel that this is a very important matter and it requires very careful consideration. Unfortunately, during the discussion of this clause prejudice has been sought to be created by bringing in staying-in strike. If Honourable Members will carefully read this clause, they will find that it is not restricted to the staying-in strikes. Its application is hundred times wider than the staying-in strikes. I would like to read section 9 to which this is an amendment. This is what section 9 says:

"Deductions may be made under clause (b) of sub-clause (2) of section 7 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work and such absence being for the whole or any part of the period during which he is so required to work."

By this clause the employer is enabled to deduct wages of his employees even if he is absent for a day and even when one man is absent. The question of strike necessarily does not come in. One man may go to his work and refuse to do the work because his conditions are changed and the employer will not be bound to pay him although the employer had changed the conditions without notice. This is the effect of this Bill. If Honourable Members think that the application of this amendment is restricted to stay-in strikes, they have not taken care to understand this clause. Mr. President, strike is dealt with in this clause by a separate proviso. That proviso is this:

"Provided that subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contracts of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice."

Strike without notice has been duly penalised by enabling the employer to deduct even for one day's wage, eight days wages. There is a penalty laid down for a strike without notice.

The Honourable Sir Frank Noyce: Only if the people are absent.

Mr. N. M. Joshi: Now, you are defining that if a man refuses to do work, you need not pay him. If he remains present and had a sufficient cause and the employer does not give notice of the change in the conditions, why should he not be paid? That is exactly what you are doing. You are enabling an employer to change the conditions of service. The Government by this measure are enabling an employer to take the wages of a man who refuses to do work even in the case of change of conditions of service without notice. You are going 100 times beyond what you are intending to do. Sir, I oppose this clause.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I did not record my vote when the voting took place on the last amendment and thereby showed my sympathy in both ways; that while I am not in agreement with Prof. Ranga's amendment,—I have a good deal of sympathy with the intentions which that amendment wanted to convey—on the other hand as one who is interested in the welfare of the employers as well as the workers, I have full sympathy with what fell from my Honourable friends, Sir Cowasji Jehangir and Sir H. P. Mody, that there is an apprehension on the part of employers that the workers and trade unions may bring in the stay-in strike and take recourse to it as has been practised in America at the present time.

[At this stage, Mr. Joshi was seen crossing between the speaker and the Chair.]

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should not cross between the speaker and the Chair.

Mr. B. Das: I know what fell from the Leader of my Party on Prof. Ranga's amendment. I have heard both sides. I gather that it will satisfy my Honourable friends, Sir H. P. Mody and Sir Cowasji Jehangir, if there is a specific mention that a workman continuing to remain in a building is not recognised as stay-in-strike. Sir, I do hope that the Honourable the Leader of the House will not force the Bill to be passed without considering the suggestions which my Leader has made a few minutes ago, and I suggest that if you adjourn the House now, then the Leader of the House can discuss during the Lunch hour with the Leaders of Parties a suitable formula which will remove the doubts which the employers have and at the same time satisfy the conscience of trade union leaders like Prof. Ranga, Mr. Giri and Mr. Joshi. I feel, Sir, that my Honourable friend, Prof. Ranga, had been a little unreasonable and demands too much. If they do want to possess the right of stay-in-strikes, they can bring it about and they can ask the Government to legislate for it, provided that the Labour Commission have gone into it. But as far as I know the Labour Commission did not go into the question of stay-in-strikes and there has been no recommendation on that point. Otherwise, my Honourable friend, Sir Frank Noyce, the great friend of labour that he is, would have brought in a Bill justifying stay-in-strikes in India. That is not done. The Labour Commission was not faced with such an eventuality. As regards what fell from my Honourable friend, Mr. Joshi, about section 9

[Mr. B. Das.]

of the Payment of Wages Act, I do feel that his apprehensions want reconsideration whether the employer can deduct seven days wages for stay-in-strikes. I would not like that interpretation to be put in because if a man sits under the machinery and he is only absent for a day, I cannot see my way how the employer would take seven days wages from that man. Under the circumstances I do request you, Sir, to adjourn the House and I do hope that the Leader of the House will talk it over with the Party Leaders during the recess and bring forward a reasonable amendment that will satisfy both sides, the employers and the labourers.

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

The Honourable Sir Frank Noyce: Sir, it may save the time of the House if I say that I have met those interested in this matter during the luncheon interval and that we have come to a measure of agreement which I trust will have the support of the House and which I think will meet the main point raised by my Honourable friend, the Leader of the Opposition.

Mr. Bhulabhai J. Desai: Sir, I beg leave to move the following amendment:

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted :
'in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

The Honourable Sir Frank Noyce: Sir, I should have preferred the words "trade dispute", but if my Honourable friend wants "stay-in strike", I am not going to raise any further objection.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is allowing this amendment to be moved at this stage although no notice of it has been given, because it is understood that it has found support from all who are interested in this Bill. If that is so the Chair will accept it, otherwise not.

Sir H. P. Mody: We are agreeable.

Mr. N. M. Joshi: Sir, may I say one word on this? I do not desire to take objection to the amendment being admitted by you, but I feel that it is difficult

Mr. Bhulabhai J. Desai: If there is any objection I will withdraw it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair allowed this amendment to be moved now only on the understanding that all sections of the House agreed to it.

Mr. N. M. Joshi: You may force me to do anything, but I should like the House to be reasonable. It is only half a minute ago that I got this paper in my hand. You refuse to allow me to speak one word and you say that if I speak one word, the amendment will be dropped.

Mr. President (The Honourable Sir Abdur Rahim): That is not the point. The point is that if the Honourable Member objects to it, the Chair will not allow it, because there has not been sufficient notice.

Mr. N. M. Joshi: I am not objecting to the amendment being admitted and discussed.

Mr. President (The Honourable Sir Abdur Rahim): But if the Honourable Member says that he was taken by surprise and did not have sufficient time

Mr. N. M. Joshi: I said I am taken by surprise and for this reason that you should permit me to explain what I feel about the amendment. I am not objecting to the amendment being taken up at all but it makes a bit difficult for me if you say that either I must accept this amendment or it drops. I admit that this amendment to a great extent changes the original *Explanation*. What I feel after seeing the amendment is this: that within the few minutes which I have now before me or a minute or two which I have to consider this amendment, I find it difficult to understand the full implication of this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then, as the Honourable Member is not objecting to the amendment being moved, the Chair will put the amendment.

Amendment moved:

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted: 'in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

Mr. N. M. Joshi: Sir, the amendment no doubt is an improvement on the original *Explanation*, but I find it difficult to visualise the effect of this amendment as a whole. Therefore, if you will permit me and if Government and the House will agree, I would suggest that the debate on this amendment be postponed. There is absolutely no hurry about the passing of this Bill and the postponement will give us some time to consider it.

Mr. President (The Honourable Sir Abdur Rahim): It really comes to this that the Honourable Member has not had sufficient time to consider it. The Chair has allowed it to be moved already as the Honourable Member said that he did not object to it on that ground. Now, he is again raising that objection. The Chair waived the Standing Order, and the debate on this Bill is not going to be adjourned.

Mr. N. M. Joshi: Very well, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted: 'in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

Mr. M. S. Aney: Sir, I only rise to congratulate the House as well as the Honourable Sir Frank Noyce on having got this little piece of legislation passed, which a few moments ago seemed to be in a rather precarious condition. On account of the little storm that raged over certain words here and there and a good deal of misunderstanding about the exact implication of the clause, it was thought that probably the Bill may not be passed in this Session but may go on to the next Session. However, the Honourable Member succeeded in getting this little legislation passed, and I believe the spirit in which he has accepted the amendment that was suggested typifies the spirit in which he has worked in this House for all the time that we have seen him during the last five years. It was a spirit of compromise, a spirit of trying to hold the balance even to the best of his powers between all conflicting interests. That has been the keynote of his work during all this time. Another thing to which I wish specially to make reference is this, that we unfortunately had the misfortune of differing from him on almost all questions excepting a few questions affecting minor matters. But we were sure of one thing that although we may not have been fortunate in getting his assent to whatever we said we never failed to get courtesy and polite treatment at his hands (applause) for any point of view that we wanted to urge. Whether we had to deal with any matter on the floor of this House or outside, we always found him a thoroughly courteous and polite gentleman. That quality unfortunately is not so abundant on that side as we would wish it to be, and that, therefore, makes it all the more important that we will remember our association with the Honourable Sir Frank Noyce as a colleague in this House for a long time to come. I am sure, he will carry also with him the good wishes of us all and I hope he will enjoy the rest which he so richly deserves after a hard and arduous career. (Loud Applause.) With these words, I support the third reading which he has moved.

Mr. Bhulabhai J. Desai: Sir, I may also be allowed to say a few words before this Bill is passed. During the two years and a half that I have been in this House, I have every reason not merely to associate myself with what my Honourable friend, Mr. Aney, has said, but I have greater and personal reasons for joining in the words, not merely of praise, but of appreciation which my friend has used. If I may be permitted to say so, I had one other friend, an Englishman, about whom we always used to say at the Bombay bar, that it was impossible to accuse him of malice, and I think it is difficult to say of a man more than that in the discharge of one's duty or in one's personal relationship; and I wish to repeat that on this occasion, not merely as a phrase, but because it is so extremely appropriate. (Loud Applause.)

I also wish to say one more word and that is this: that while we are losing Sir Frank Noyce, we, so far as my small Party is concerned, are also losing a man interested in labour in the person of Mr. Giri. He carries with him our good wishes and I still wish, if it were possible, that he remained in this House to continue the good work which he has always done, not merely to strengthen our hands when labour questions are involved, but also generally with his sweet reasonableness getting the best he could out of any labour measure that came before this House.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: **Muhammadan, Rural**). Mr. President, this is the last legislative measure which will come on the Statute-book through the exertions of Sir Frank Noyce. I have not taken much interest in questions relating to labour, but I can say this much that during the last five years, when I had the privilege of knowing Sir Frank Noyce, his kindness and courtesy, inside and outside the House, could not but strike everybody who came into contact with him; and if Sir Frank Noyce can get a testimonial from the Leader of the Opposition and from my friend on my left, Mr. Aney, I think there can be no higher praise or testimonial which could be given to him. Now that he is leaving us for good, I wish also to place my small bouquet of encomium in his button hole and wish him a long and happy life in his retirement, which he so richly deserves. With these words, I associate myself with the passing of this Bill. (Cheers.)

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question, I feel that I cannot let this opportunity pass without adding a word of my own by way of personal appreciation of the manner in which Sir Frank Noyce, who is soon about to leave us, has discharged his duties in this House. (Cheers.) As occupant of the Chair, I have nothing to do with the policy either of the Treasury Benches or of the Opposition or of any other Group in the Assembly; but I am very much interested in seeing that the proceedings of this House are conducted in an orderly and smooth manner. Sir Frank Noyce, as has been said, has discharged his duties in this House in a manner to which no objection could be taken on the ground that he has not been tolerant, that he has not been patient, or that he has not dealt with his antagonists on the floor of this House with absolute courtesy and understanding. (Hear, hear.) I join those who have spoken in expressing Sir Frank Noyce our best wishes in his retirement and hope that he will enjoy long years of contentment and happiness. (Loud Applause.)

The Honourable Sir Frank Noyce: Sir, I must frankly confess that I was not prepared for this. I cannot adequately express my gratitude to those who have spoken—the Leaders of the two Congress Parties, Sir Muhammad Yakub and yourself, Sir—for the kind things they have said about me and for their good wishes for my future. As this House knows, I have no special claims to oratory, and, as I said the other day, I do not profess to be a politician. Such qualities as I possess are those of an administrator and it is those that I have in all humility endeavoured to place at the service of this House. I never thought five years ago when I used to sit in the place now occupied by my Honourable friend, Sir Girja Shankar Bajpai, that I should move gradually along the benches until I found myself here, and now that it is all over or nearly all over, I am prepared to say that I am glad that I am here. I would not have said that a month or two ago; but I can say it today, because I do think it is a real

[Sir Frank Noyce.]

distinction to end my career as Leader of this Assembly. I would thank all sections of the House—and I think I may say specially my Honourable friends opposite, who naturally do not see eye to eye with me or any of us on these benches on all or indeed many subjects—I would thank all sections of the House for the courtesy and kindness I have invariably received from them; and may I thank you, Sir, more especially for all the kindness you have shown in the last few years? I think I may claim that I have done my best to uphold the traditions of this House, and I feel from what Honourable Members have been kind enough to say that I have not altogether failed. I thank you, Sir, and all here particularly for their kindness. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

RESOLUTION RE AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I have ascertained that there is a very general desire that this matter should stand over till the Simla Session, and I, therefore, do not move the Resolution* standing in my name.

Sardar Sant Singh (West Punjab: Sikh): Sir, may I, with your permission, say one word. You know, Sir, that I was very anxious that the question of privileges should be a part of the procedure of this House. I do not want to stand in the way of its being postponed to the Simla Session, but I would request to see that this matter is taken up at the earliest possible opportunity in the Simla Session, so that we may be able to dispose of it early and not keep it over till the fag end of the Session.

*"That this Assembly recommends to the Governor General in Council that the following amendments be made in the Indian Legislative Rules, namely:

- (1) To rule 6 the following proviso shall be added, namely:

'Provided that where the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, the Governor General in Council shall as soon as may be allow for the discussion of such motion so much time on a day or days not allotted for the business of non-official members, as may appear to him to be sufficient, and such motion shall be open to discussion within the time so allotted but at no other time.'

- (2) After rule 12 the following rule shall be inserted, namely:—

'12A (1) A motion for the purpose of discussing a question of privilege may be moved with the consent of the President.

- (2) The President shall not give his consent to the moving of any such motion if it concerns a matter in regard to which a resolution cannot be moved, and the decision of the Governor General on the point whether the motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.'

RESOLUTION *RE* PAYMENT TO THE DEPRECIATION RESERVE FUND FROM THE RAILWAY REVENUES.

Sir Raghavendra Rau (Financial Commissioner, Railways): Sir, in view of the general feeling in this House that the discussion of this question* should be postponed to the Simla Session, I do not propose to make my motion today.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): May I take it, therefore, that the Wedgwood Committee's Report will be made available to us, in time, so that we may take a useful part in the Simla Session?

Sir Raghavendra Rau: I am unable to give any assurance on that point, because I do not know when the Report will be published.

Mr. S. Satyamurti: May I take it that the Report will be made available to Members to enable them to study it before the Simla Session, if it is published before then?

Sir Raghavendra Rau: In all probability, the Committee's Report would be available in a month or two, and I am quite sure the Honourable Member's wishes will be borne in mind before the next motion is made.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1933-34.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg on the 26th September, 1935:

"That the Report of the Public Accounts Committee on the accounts of 1933-34, Parts I and II, be taken into consideration."

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I have almost finished my speech. I have only to say, in conclusion, that it is not necessary for this House to go into the details of the Report. The function of this House in discussing this Report ought to be confined to the general principles underlying the Report, and, as I have already pointed out, there are three salient points on which the House should concentrate itself. First is the control over expenditure, second is over budgeting, and the third is that the results of the inquiries into embezzlements and things like that should be placed before the Committee as early as possible.

In conclusion, Sir, I feel I must also refer to a point on which stress has been laid by my friend, Mr. Satyamurti, namely, the publication of the evidence. I think, Sir, the publication of the evidence during the past few years has been of great value to the Members of the House, though I feel that during last year the publication of the evidence meant the criticism by my friend Mr. Satyamurti and nothing else. Still I do not propose

* "That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable to repay the Depreciation Reserve Fund maintained for Indian State owned railways the balance outstanding on 1st April, 1937, of loans taken from the fund to meet railway deficits, nor to pay to general revenues any contributions due under the resolution of this Assembly of the 20th September, 1924, from the year 1931-32 to the year 1936-37 inclusive."

[Sir Muhammad Yakub.]

to stand in the way of his being immortalised in this way, and I hope that the House will agree that the evidence should also be published as it was done in previous years.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, Mr. Satyamurti began by enumerating the various functions of the Public Accounts Committee and then read through practically the whole of the Report of the Committee and also portions of the evidence, and asked Government to state what action has been taken on each and every one of the recommendations made by the Committee. Sir, with due deference to him, I may mention that the Public Accounts Committee is appointed by this House to assist it in going through the complicated business of examining the Appropriation Accounts and the Audit Reports of the Auditor General, and the Committee meets for about two to three weeks and submits its Report to this House. I really do not know, Sir, whether this august House should spend the limited time at its disposal in going through every recommendation to find out what action has been taken by the Government. This function is performed by the Public Accounts Committee itself. As soon as the Report of the Public Accounts Committee is published, a statement is prepared showing all the recommendations of the Committee, and it is circulated to all the Members of the Committee every quarter showing what action the Government have taken on the recommendations . . .

Mr. M. S. Aney (Berar Representative): May I ask one question, Sir? Will Government be pleased to supply the other Members also with a copy of the statement?

Mr. K. Sanjiva Row: I shall come to it presently. The statement for the last quarter which contains the recommendations of the previous Public Accounts Committee is incorporated in the next Report of the Committee, so that Honourable Members will find in Appendix I to the Report of 1934-35, the recommendations of 1933-34 and the action taken by Government thereon. It is, therefore, unnecessary for me to enumerate the action taken by Government on each and every one of the recommendations. I do not for one moment suggest that this House should not discuss any of the important recommendations of the Committee to which effect has not been given by the Government. The time available could be more usefully spent if the Members concentrated on important questions of policy and principles . . .

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): For example?

Mr. K. Sanjiva Row: For example, the general control of expenditure and then,—I am just coming to that.

Mr. S. Satyamurti: You will never succeed.

Mr. K. Sanjiva Row: I do not, therefore, propose to deal with these details at present, and I shall confine myself to the more general questions raised by Mr. Satyamurti.

Mr. S. Satyamurti: I should like some direction on this matter, Sir. This Public Accounts Committee is appointed by this House. From 1928, we make some recommendations; they are still pending, and so, is not the House entitled to know what action Government have taken on those recommendations which we made?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the next Report will show what action has been taken by Government on the recommendations.

Mr. S. Satyamurti: My friend is pointing out that I was wrong, but I want this House to note the great delay that takes place for taking action. This Committee goes on making recommendations year after year, and they are being printed for 10 and 15 years without any apology whatever. This House is entitled to know why there is this unconscionable delay for taking action on the recommendations the Committee makes.

Mr. K. Sanjiva Row: Is not the Honourable Member, when making that statement, assuming that the other Members do not read the Report of the Public Accounts Committee at all, and that they are not taking any interest in the proceedings, and that it is his business . . .

Mr. S. Satyamurti: We can write everything at home.

Mr. K. Sanjiva Row: After making this general statement, Sir, I propose to deal with some of the general points raised by the Honourable Members opposite. As I have already said, Mr. Satyamurti began by enumerating the various functions of the Public Accounts Committee, and from the remarks which he made on each of those functions, I gathered the impression that there was some misunderstanding as to the exact scope of the work of the Committee. I shall, therefore, first deal with this aspect of the matter. Sir, as laid down in Rule 52(1) of the Indian Legislative Rules, it is the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly. I should like to deal in a few words with the implications of the phrase "within the scope of the demand", as that is the main function of the Committee. The first and the foremost implication is that the expenditure under any grant should not exceed the total amount voted by the Assembly. It is, therefore, laid down that the Public Accounts Committee should report to this House all excesses over grants, and Government brings forward motions before this House for excess grants in all cases in which there are excesses. The second implication of the phrase "within the scope of the demand" is that the expenditure brought to account against a particular grant must be of such a character as to warrant its record against that grant. This implication, Sir, is not of much importance in India, because the executive Government has nothing to do with the record of expenditure against a particular grant. The Auditor General is the final authority for classification, and it is he who records the expenditure against a particular grant. The third implication of the phrase "within the scope of the demand" is really of very great importance, and Mr. Satyamurti dealt with it at some length. The Legislature is asked by the executive to vote a sum of money as a grant for a particular purpose. It is true that this demand is split up into various subheads and is placed before the Legislature in considerable detail. Mr. Satyamurti suggested,—these were his words:

"The purpose and meaning of this is that the demands asked for and voted by the House should be spent for the purpose mentioned in these demands under the various sub-heads."

[Mr. K. Sanjiva Row.]

With due deference to my Honourable friend, I may point out that this is not correct, and I do not think it is correct to say that
 3 P. M. the Honourable the Finance Member agreed with Mr. Satyamurti's view. I shall first explain what the position is in the United Kingdom. There:

"Although the estimates do actually set out the sub-heads of the votes in detail, the sanction of Parliament is given to the votes on the whole, and the details given under them are for the information of Parliament.Indeed, it is doubtful whether the entry of the details in the estimates has any legal effect whatever on the appropriation. They are rather intended to define generally the purposes to which the aggregate vote is applicable, not to place a limit of amount applicable only to the separate sub-divisions of the vote. 'Estimates,' said Lord Welby, 'are in all cases framed to cover the sums expected to be paid. They are not binding in details. The principle, that Parliament intends to limit the appropriation of the grants to the separate items of each sub-head of the estimates on which the grants are based, has never yet been laid down and would probably be found to entirely fail in practice'."

As regards India, I would draw the attention of the House to section 67-A (6) of the Government of India Act, 1919. It will be seen that under this section the House can reduce the amount referred to in any demand by reduction of the whole demand. They cannot cut out any particular item in the demand, which seems to support the view that, as in England, the Legislature here grants a lump sum for a particular service.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): Can we reduce the demand to zero?

Sir Gijra Shankar Bajpai (Secretary, Department of Education, Health and Lands): You have done it.

Mr. K. Sanjiva Row: Reappropriation between the sub-heads within a grant is a matter for the Executive. I may also say that all important reappropriations require the sanction of the Finance Department. It is only in minor cases that power has been delegated to other departments of the Government of India to sanction reappropriations. The only limit on the powers of the executive to sanction reappropriation is that laid down in Legislative Rule No. 50; that is, the executive when they want to incur expenditure on a new service, even though they can find money from within the amount voted by the Assembly, have to go to the Assembly in the form of a token vote. Subject to this restriction the executive has full powers of reappropriation. If the Legislature wants to curtail the powers of reappropriation, the only remedy is to increase the number of grants so that reappropriations may not be possible. I do admit that it is very bad budgeting if a department makes it a regular practice to provide a sum in the budget under one sub-head and incur expenditure under another. This has been admitted by us and the recommendation of the Public Accounts Committee which my Honourable friend read out the other day was agreed to by us.

My Honourable friend, Mr. Satyamurti, then went on to sub-rule (2) of Rule 52, which says that it is the duty of the Committee to bring to the notice of the Assembly every reappropriation from one grant to another. Mr. Satyamurti said that there were no such cases and that this rule might, in fact, be omitted. I am sorry that I do not agree with him. I think that this is a very important part of the functions of the Public

Accounts Committee. The House votes a certain sum for a particular service. If a reappropriation is sanctioned from a grant voted for one service to another grant voted for another service, the executive will be committing a double irregularity. For example, by reappropriating from a certain grant to another grant they will be misappropriating money which has been voted by the Legislature for grant A, for the service of grant B, and secondly, they will increase for grant B the amount voted by the Assembly for that purpose. I therefore think that it is one of the very important functions of the Committee to bring to the notice of the House all reappropriations sanctioned—by mistake I must admit—from one grant to another, because the executive have no power to sanction such reappropriations. It is also not correct to say that there have not been any such cases. There have been some cases; for instance, in the Report of 1933-34 itself you will see, Sir, that four or five cases have been reported and explanations given for the mistakes.

Mr. Satyamurti then wanted to know the nature of the special expenditure which the Finance Department brings to the notice of the Committee under Rule 52 (2). Under Rule 14 of the Auditor General's Rule, he is required in certain circumstances to withdraw an objection to expenditure on the understanding that the Finance Department will report the matter to the Public Accounts Committee. It is true that there have been no such cases till now. There is also another kind of case in which the expenditure is brought to the notice of the Public Accounts Committee by the Finance Department, and that is, when there is a difference of opinion between the Government and the Auditor General as to whether a particular new item of expenditure is a new service requiring a token vote of the Assembly. There have been several cases of this kind in the past, though during the last two years there have been none. Those are all the general questions raised by Honourable Members opposite.

I shall now deal with some of the important details raised by one or two Honourable Members. I think Mr. Satyamurti as well as Mr. B. Das wanted to know what has happened about the London Stores Department. Unfortunately, owing to the illness of Sir James Pitkeathly and his diversion to two other special enquiries, he has not been able to submit a report.

Mr. S. Satyamurti: Only three years! It does not matter.

Mr. K. Sanjiva Row: It is hoped that the report will be available soon and that a conclusion will be reached before the Simla Session. Then my Honourable friend, Mr. Satyamurti, wanted to know what has been done about the special meeting in December recommended by the Committee for considering outstanding items. You will see, Sir, that the recommendation reads as follows:

"We recommend that a special meeting of the Committee should be held some time during the Delhi Session, if so desired by the members, to examine the action taken by the departments on the various recommendations and suggestions of the Committee."

So far as I know, there has been no desire expressed by the members to hold a meeting of the Committee in December and if I remember aright, I think I asked Mr. Satyamurti himself in December 1935 whether a meeting was necessary and he agreed that the action taken by Government on

[Mr. K. Sanjiva Row.]

the various recommendations was satisfactory and that no special meeting was necessary. Then he wanted to know whether our general circular on control of expenditure, for which I am sure he can claim a great deal of credit, was or will be circulated to other Members of the House. I am prepared to lay a copy of the circular in the Library of the House, so that it might be available to the other Members. He wanted to know what its effect has been. I may say that so far as supplementary grants were concerned he would have seen that the number of supplementary grants has dropped considerably and as regards the general control of expenditure I think he will have to wait till the next Appropriation Report of the Auditor General. That is all I have to say, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The House stands adjourned *sine die*.

The Assembly then adjourned *sine die*.